

# SENATE RECORD VOTE ANALYSIS

104th Congress  
2nd Session

Vote No. 163

June 19, 1996, 6:16 p.m.  
Page S-6469 Temp. Record

## DEFENSE AUTHORIZATION/Abortions at Overseas DoD Facilities

**SUBJECT:** National Defense Authorization Act for fiscal year 1997 . . . S. 1745. Coats motion to table the Murray amendment No. 4059.

### ACTION: MOTION TO TABLE FAILED, 45-51

**SYNOPSIS:** As reported, S. 1745, the National Defense Authorization Act for fiscal year 1997, will authorize a total of \$267.3 billion in budget authority for national defense programs (the President requested \$254.3 billion). In real terms, this bill will authorize \$5.6 billion less, and the President requested \$18.6 billion less, than was provided in fiscal year (FY) 1996.

**The Murray amendment** would strike the current law prohibition on using Federal military facilities overseas to perform abortions. That prohibition applies unless the life of the mother is in danger from the pregnancy or unless the pregnancy is the result of rape or incest.

Debate was limited by unanimous consent. Following debate, Senator Coats moved to table the Murray amendment. Generally, those favoring the motion to table opposed the amendment; those opposing the motion to table favored the amendment.

NOTE: Following the vote, the amendment was adopted by voice vote.

**Those favoring** the motion to table contended:

The Murray amendment is a solution in search of a problem. Except in extreme cases, abortions at overseas military facilities were banned between 1988 and 1993, and they have been banned again since last year. No case was ever reported of the earlier ban hindering the ability of a woman to get an abortion, and no case has been reported under the current ban. Our colleagues have their theories about how it is "cruel," indecent," and "extreme" not to perform abortions at military hospitals, but we will stick with the facts. This ban is not intended to hinder, nor does it hinder, the right that the Supreme Court has said exists for women to obtain abortions. It has nothing to do with whether women may have abortions. Instead, it is about who will pay for them, and it is about recognizing that the issue is so controversial, so divisive, and so emotionally charged that the Federal Government should not be

(See other side)

YEAS (45)			NAYS (51)			NOT VOTING (4)	
Republicans (39 or 76%)		Democrats (6 or 13%)	Republicans (12 or 24%)		Democrats (39 or 87%)	Republicans (2)	Democrats (2)
Abraham	Hutchison	Breaux	Brown	Akaka	Kennedy	D'Amato- <sup>2</sup>	Bumpers- <sup>2AN</sup>
Ashcroft	Inhofe	Exon	Campbell	Baucus	Kerry	Grams- <sup>2</sup>	Kerrey- <sup>2</sup>
Bennett	Kempthorne	Ford	Chafee	Biden	Kohl		
Bond	Kyl	Heflin	Cohen	Bingaman	Lautenberg		
Burns	Lott	Johnston	Frahm	Boxer	Leahy		
Coats	Lugar	Reid	Gorton	Bradley	Levin		
Cochran	Mack		Jeffords	Bryan	Lieberman		
Coverdell	McCain		Kassebaum	Byrd	Mikulski		
Craig	McConnell		Simpson	Conrad	Moseley-Braun		
DeWine	Murkowski		Snowe	Daschle	Moynihan		
Domenici	Nickles		Specter	Dodd	Murray		
Faircloth	Pressler		Stevens	Dorgan	Nunn		
Frist	Roth			Feingold	Pell		
Gramm	Santorum			Feinstein	Pryor		
Grassley	Shelby			Glenn	Robb		
Gregg	Smith			Graham	Rockefeller		
Hatch	Thomas			Harkin	Sarbanes		
Hatfield	Thompson			Hollings	Simon		
Helms	Thurmond			Inouye	Wellstone		
	Warner				Wyden		

#### EXPLANATION OF ABSENCE:

1—Official Business  
2—Necessarily Absent  
3—Illness  
4—Other

#### SYMBOLS:

AY—Announced Yea  
AN—Announced Nay  
PY—Paired Yea  
PN—Paired Nay

directly involved in performing abortions.

The Defense Department has a large number of elective medical procedures for which it will not pay. Any member of the military or their dependents, if they wish, may take leave, fly to a country in which any of those procedures are available, and pay for them themselves. It is a simple, common practice. In fact, because it is so easy to obtain leave and travel, the Defense Department is not aware of any single problem ever arriving from this policy of not performing abortions at overseas facilities. We asked the Assistant Secretary of Defense the following questions: "Has the Department had any difficulty in implementing the current policy?"; "Have any formal complaints been filed concerning this policy, to the best of your knowledge and information?"; "Have any legal challenges been instituted concerning this policy?"; "Have any members or their dependents been denied access to any abortion as a result of this policy?"; and "Have any members or their dependents been denied access to military transport for the purpose of procuring an abortion?" The answer to every question was "No."

The only effect of this policy has been to stop the United States from being directly involved in paying for and performing abortions on demand, for any reason. Many Americans have very strong, moral objections to abortions, and nearly all Americans have very mixed feelings. Many Americans support abortions in extreme situations as being the lesser of two evils, but in most other cases they are against it. For instance, they oppose using abortion as a method of birth control, they oppose it for economic reasons, and they oppose late-term abortions. Even the most strident proponents of legal abortions are quick to state that they think that abortions should be rare.

In 1979, the Hyde amendment was passed to block taxpayer funding of abortions. In *Harris v. McCray*, the Supreme Court decided that refusing taxpayer funding of abortions is legal; it decided that the right to an abortion did not include the right to tax people to pay for it. Defense facilities are paid for by the taxpayers. The buildings, the equipment, the supplies, and the doctors' salaries are all paid for through the defense budget. If an abortion is performed at a defense facility, even if the woman pays for it the taxpayers still bear part of the burden because they have paid for all of the facilities and they pay that doctor's salary.

Further, assuming that it were somehow possible to relieve the taxpayers of having to pay for abortions performed at military hospitals, they still should not be performed. The United States should not in effect become a hired abortionist. Abortion may be legal, but that does not mean that the American people want to see their Government become an abortion provider. This issue is too controversial. We should preserve the separation that currently exists. The Supreme Court has said that abortion is legal as an individual, private matter, but that does not mean that the Government, which represents all Americans, should disregard the feelings of pro-life Americans by directly involving itself in the performance of abortions.

The stated purpose of the Murray amendment is to remove restrictions on military personnel's access to abortion. No such restrictions exist. The effect of the amendment would be to involve the Federal Government, which represents all Americans, most of whom favor at least some restrictions on abortion, in the performance of abortions on demand. The Federal Government should not be directly involved in the performance of abortions against the wishes of so many Americans. We therefore strongly support the motion to table the Murray amendment.

**Those opposing the motion to table contended:**

The Murray amendment would repeal the language adopted on last year's defense authorization bill that prohibits military personnel and their dependents from exercising their constitutional freedom to choose at overseas military bases, even when they pay for it themselves. Due to the unavailability of abortions in many countries in which the United States has military facilities, that language effectively nullifies the right for some American women to have an abortion. When they are overseas, they lose their constitutional right. Our colleagues tell us that military women who decide to have abortions and who are stationed in countries that outlaw abortions need only fly to the United States to have their abortions. While it is true that they can take leave, and that while on leave they can fly on military planes for free, it is also true that this arrangement raises numerous troubling issues. Why should a woman, who has made the difficult, personal choice of having an abortion have to go to her commanding officer and ask for leave? Commanding officers are frequently going to be more or less willing to give leave depending on the reasons for which it has been requested. We think this raises a very troubling privacy issue. If a woman were just allowed to go to a local military hospital for an abortion, her commanding officer would not have to review her leave request over this matter which she might rather not discuss. Under this cruel policy, a woman also might have to wait for a period of days or weeks before she received leave or before she was able to get a free flight to the United States or some other country where abortion is legal. Once a woman has made this difficult choice, it is inhumane to make her wait for a long period of time before she exercises it, especially because her health risks from abortion increase the longer that she is pregnant. A final point that needs to be considered is that this policy ends up costing the taxpayers money. If a woman does not go on leave, but instead has an abortion that she pays for at a local military hospital, the taxpayers do not have to pay the cost of her military transport. Even if the Government picked up the cost of the abortion, it would still be cheaper than flying her to another country for her to have an abortion. The bottom line of the prohibition that was placed on the right of women to have abortions at overseas military hospitals is that military women, who are putting their lives on the line for their country, are having their constitutional rights infringed. The Murray amendment would correct this wrong, and thus should not be tabled.

**JUNE 19, 1996**

**VOTE NO. 163**

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